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CIA accused in sex bias suit

Gay engineer says agency is withholding security clearance

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What is alleged to be CIA policy against granting high-level security clearance to homosexuals is being challenged in federal court by a San Francisco electronics engineer who works in Mountain View.

Richard Gayer, 45, filed a class-action sexual discrimination suit in San Francisco on Wednesday, claiming his application for "need-to-know" security clearance was put in limbo because of his sexuality.

While other government agencies such as the FBI, Defense Department and the National Security Agency have modified their policies to permit employ-

ment and security clearances for gays, the CIA says that, with high-security clearance or as employees, gays can be targets of blackmail.

Gayer's suit is the third sexual discrimination suit filed against the CIA in three years.

CIA officials in Washington, D.C., could not be reached for comment Wednesday.

A circuitry designer at GTE-Sylvania Products Corp. in Mountain View for the past eight years, Gayer asks in his suit that the CIA make some decision on his August 1982 application and be directed to do so without discrimination.

Gayer, who already held a lower-level security clearance, was part of a group of GTE engineers assigned to the Searcher program, a contract with a federal agency whose identity is classified. The project required the highest level of security clearance, "need to know."

Security clearances usually are processed through a clearinghouse in Columbus, Ohio. After a few weeks, all the engineers on the project were approved with the exception of Gayer.

Gayer said Wednesday that he called the clearinghouse and was told he was still being considered.

Last March, Gayer filed a Freedom of Information Act request and got back a 1-inch-thick file of documents from the Defense Investigative Service on his background.

On top of the file was a computer printout indicating that the CIA had requested his file in September 1982 as part of a "special security clearance," Gayer said.

U.S. Sen. Alan Cranston, D-Calif., made inquiries on Gayer's behalf, but the CIA refused to comment on the case. "It went on for weeks," Gayer said. "They hoped it would disappear."

In July, GTE withdrew Gayer's name from the project. The suit claims the withdrawal came after CIA pressure on GTE. The suit also says that Gayer's limited-security clearance jeopardizes his employment with GTE. "If it were necessary to lay people off," Gayer said, "I would be a likely candidate."

Leonard Graff, an attorney with Gay Rights Advocates in San Francisco, said its litigation committee has made a tentative commitment to help Gayer with his case. "The invidious thing is that the CIA is refusing to decide," Graff said. "We don't know the exact reason."

The CIA has 60 days to respond to the suit, the second filed this year against the agency. A response from it is due soon on the case filed in November by John Green, manager of a top secret project for TRW in Los Angeles.